



## Help with court fees

Fact sheet no. 47 EW Help with court fees

August 2016

If a creditor gets a county court judgment (CCJ) against you in the County Court, you may want to ask the court for help. For example, you can ask the court to:

- let you pay by instalments, or reduce the instalments you have been asked to pay;
- stop enforcement action, for example suspend a bailiff's warrant; or
- set aside a judgment that shouldn't have been made.

The court fees you can be asked to pay vary, depending on what you are asking the court to do. We have other fact sheets that explain about which court forms to use. This fact sheet tells you whether you can get help with the cost of court fees. These rules apply in the County Court and the High Court.

Use this fact sheet to:

- find out how the court decides if you can get help with court fees;
- understand the disposable capital test; and
- understand the gross monthly income test.

## Will I have to pay a fee?

When you apply for help to pay a court fee, the court will use two tests to decide your application. These are the 'disposable capital test' and the 'gross monthly income test'.

## Disposable capital test

The court will look at how much disposable capital you have. Disposable capital includes savings, stocks and shares, redundancy payments and the 'value' in second homes. 'Value' means the money you would have left if you sold the second home after any mortgages, secured loans and an allowance for sale expenses have been taken off. The value in your own home will not be counted.

**If you are aged under 61 :**

- For court fees of **£1,000** or less, if you have less than **£3,000** disposable capital, you will pass the disposable capital test.
- For court fees of more than **£1,000**, the rules about disposable capital are different. **Contact us for advice.**

### Information:

INFO

#### rules for help with fees

For more information see [www.gov.uk/court-fees-what-they-are](http://www.gov.uk/court-fees-what-they-are). Alternatively, **contact us for advice.**



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## If you are aged 61 or over:

- If you have less than £16,000 disposable capital, you will pass the disposable capital test.
- If you do not pass the disposable capital test, you will have to pay the court fee in full.

## Gross monthly income test

If you pass the disposable capital test, the court will look at your monthly income before any deductions. The court will then decide how much of the court fee you should pay.

- If you receive certain benefits, you will not have to pay anything towards the fee.
- If you do not receive benefits but are on a low income, you may not have to pay the fee. Alternatively, you may only have to pay part of it.

Under the gross monthly income test, you have to provide proof of your income. This can include bank statements, wage slips and letters confirming that you get certain benefits.

## Can I appeal?

If the court refuses your application, you can appeal. Do this in writing within the time limit the court sets when they write to tell you they have refused your application. This will usually be **14 days** from when you receive the letter.

## Check online

You can apply for help with court fees online, see [www.gov.uk/help-with-court-fees](http://www.gov.uk/help-with-court-fees).

The Help with Fees service can contact the Department for Work and Pensions directly to confirm if you are getting a suitable qualifying benefit. You will be given a reference number, and may need to add this to court forms whilst you are waiting for a decision.

You may still be asked to supply paperwork; for example, bank statements or payslips, so make sure you keep this information safe.

The Help with Fees service will contact you to let you know if your application has been successful or not.

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